IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 23949 of 2006(A)

TA.8/2000 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONERS:
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1. **M.A.NOOR AHMED, S/O. S.M.ABDULLA HAJI, AGED 52 YEARS, `NOOR MANZIL', MANAYILKULANGARA, KOLLAM WEST-HILL, KOLLAM.**

2. **N.SHAKILA BEEGUM, W/O. NOOR AHMED, -DO- -DO-**

3. **KUTHSUM ABDUL RAHMAN, D/O. EAHMATHULLA, AGED 22 YEARS, STUDYING M.B.B.S., FINAL YEAR, 38, MANNADI STREETS, CHENNAI-1.**

BY ADV. SMT.SADHANA KUMARI ESWARI
SMT.GISA SUSAN THOMAS

RESPONDENTS:
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1. **THE SOUTH INDIAN BANK LIMITED., KOLLAM.**

2. **THE DEBTS RECOVERY TRIBUNAL (KERALA & LAKSHADWEEP), HOUSING BOARD BUILDING, PANAMPILLY NAGAR, COCHIN.**

3. **THE RECOVERY OFFICER, HOUSING BOARD BUILDING, PANAMPILLY NAGAR.**

BY ADV. SRI.K.PRABHAKARAN, SC,SOUTH INDIAN BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 23949/2006 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DD BEARING NO. 447163DT. 27/7/2006.

EXT.P2. COPY OF THE JUDGMENT IN WPC NO. 516/06 DT. 27/3/06 OF THIS COURT.

EXT.P3. COPY OF THE SALE DEED NO. 2482/92 DT. 10/08/92.

EXT.P4. COPY OF THE SALE DEED NO. 608/98 DT. 28/2/098.

EXT.P5. COPY OF THE SALE DEED NO. 1199/2003 DT. 21/4/2003.

EXT.P6. COPY OF THE TAX RECEIPT NO. 0626185 DT. 7/12/2005 OF THE KOLLAM WEST VILLAGE.

EXT.P7. COPY OF THE TAX RECEIPT NO. 0626184 DT. 7/12/2005 OF THE KOLLAM WEST VILLAGE.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.23949 OF 2006-A

JUDGMENT

The petitioners have approached this Court, seeking the following reliefs:

> "(i) issue a writ of mandamus, directing the Debt Recovery Tribunal to release the petitioners' property which is item No.7 in 'D' scheduled properties in T.A. No.8 of 2000 of DRT, Ernakulam, from the mortgage and free of all charges,
>
> (ii) direct the Recovery Officer to release the petitioners' property which is item No.7 in 'D' Scheduled properties in DRC 855 from recovery recovery proceedings,
>
> (iii) direct the respondent Bank to release the charge over petitioners' property in DRC 855 pending before the Recovery Officer, Ernakulam."

The learned counsel appearing for the 1st respondent Bank submitted that the Bank has no objection in granting the above reliefs. Accordingly, the Writ Petition is allowed. Item No.7 in D schedule properties in T.A.No.8/2000 of DRT, Ernakulam (DRC 855) shall be released to the

petitioners free from mortgage and charges within two months from the date of production of a copy of this judgment.

5th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/